IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.11 OF 2005

IN

SUIT NO.29 OF 2004

...

Vijay Harinandan Jha ...Plaintiff

v/s.

Bhaguram S. Tambe & Ors. ...Defendants

...

Mr.S.D. Mogre i/b R.C.Kaushik for the Plaintiff.

Mr.Manojkumar Upadhyay for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 20TH JANUARY,2006

P.C.:

. This Notice of Motion is taken out by the Plaintiff for an order of appointment of receiver and also for an order of temporary injunction. The suit of the plaintiff is for a decree of specific performance. According to the Plaintiff himself he had accepted Rs.10 lakhs as compensation for giving up his rights under the contract of which the Plaintiff is seeking specific performance in the suit. As the Plaintiff has himself by that agreement established that the breach of contract is capable of being compensated in terms of money, at least prima facie, it appears that the Plaintiff would not be entitled to a decree of specific performance. Because of the conduct of the Plaintiff himself it is obvious that the Plaintiff does not have prima facie case for granting any interim relief in favour of the Plaintiff. Notice of Motion is, therefore, disposed of.

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